**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**
**APPEAL FROM ORDER NO.459 OF 2003**

Smt.Saroja Pallani Acharya ...Appellant
vs.
State of Maharashtra & Ors. ...Respondents

**CORAM: A.S.OKA,J.**
**DATE : APRIL 29,2005.**

**P.C.:**

1. Heard Advocates appearing for the parties. By this Appeal the challenge is to the impugned Judgment and Order dated 25th April 2003 by which a prayer made by the Appellant-Plaintiff for grant of ad-interim relief was refused. There is no ad-interim relief granted by this Court in the present Appeal.

2. There is no dispute between the parties that now the structure on the property has been demolished and development of the property has been commenced. In view of this position, Shri Saraogi, learned Counsel for the Appellant states that he may be permitted to withdraw the Appeal with liberty to take out appropriate proceeding in the trial Court.

3. The request made by the learned Counsel for the Appellant is reasonable.

4. Hence, I pass the following order :

i) Appeal is dismissed as withdrawn with liberty to file appropriate proceedings in the Trial Court for claiming the appropriate reliefs.

ii) All contentions of the parties on merits are expressly kept open.

**JUDGE.**